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February 20, 2008

BY EMAIL AND FIRST CLASS MAIL

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Re: Drumgold v. Callahan, et al.
Civil Action No. 04-11193NG

Dear Counsel,

Judge Gertner, in ruling on the Defendant's Motion in Limine to Exclude the Motion of the District Attorney for a New Trial and the Superior Court's Order Granting a New Trial, ruled that she would not admit the memo of the District Attorney or the transcript of the hearing before the Superior Court but that she would allow the jury to hear the legal substance of the proceedings in connection with the Motion for New Trial.

Judge Gertner encouraged the parties to enter into a stipulation and indicated that absent a stipulation she would take judicial notice of the appropriate facts.

I propose the following stipulations which I think fairly summarize the proceedings in connection with the Motion for New Trial:

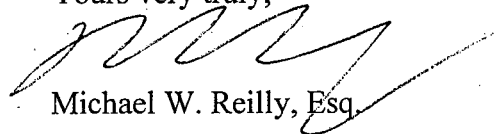
1. On July 29, 2003 a hearing was held on Drumgold's Motion for New Trial in the Suffolk Superior Court before Judge Rouse of the Suffolk Superior Court. The Hearing lasted until August 6, 2003.
2. On November 6, 2003 Judge Rouse allowed the Defendant's Motion for New Trial which had the legal effect of reversing the conviction for first degree murder and allowing the Commonwealth of Massachusetts to retry Drumgold for the murder of Tiffany Moore.
3. On November 6, 2003 the Suffolk county District Attorney entered a Nolle Prosequi. That document was a formal notice by the Suffolk County District Attorney's office that

it would not retry Drumgold for the murder of Tiffany Moore and that it was no longer seeking to convict him for the murder of Tiffany Moore.

4. Drumgold was in prison from the date of his arrest on August 29, 1988 until his release on November 6, 2003.
5. Drumgold was released from incarceration on November 6, 2003.

Please advise as to your position in regards to these proposed stipulations.

Yours very truly,



Michael W. Reilly, Esq.

MWR/pm

Enclosure

Cc: Rosemary Scapicchio, Esq.